

Remarks

The specification has been amended to incorporate the current address of the ATCC. In addition, the specification has been amended to correct inadvertent typographical errors. Specifically, the specification has also been amended to correct obvious typographical errors in the amount of ingredients listed for 5x SSC (sodium chloride/sodium citrate) and the concentration of salmon sperm DNA used in stringent hybridization. An amendment to correct an obvious error does not constitute new matter where one skilled in the art would not only recognize the existence of the error in the specification, but also the appropriate correction. (M.P.E.P. 2163.07) Here, the recognition of the typographical errors, along with the correction of the errors, in the amount of the ingredients listed for 5x SSC and in the concentration of salmon sperm DNA used in the hybridization, are obvious to one skilled in the art, and therefore, the correction does not constitute new matter. A 5x SSC is a well known solution used in hybridization solutions. *See, e.g.,* Exhibit A, CURRENT PROTOCOLS IN MOLECULAR BIOLOGY, John Wiley and Sons, N.Y., page 2.10.7 (1987). SSC is normally made as a 20x stock solution, and then diluted accordingly for a particular use. Exhibit B shows that a 20x SSC stock solution contains 3M NaCl and 0.3M trisodium citrate. (Exhibit B, CURRENT PROTOCOLS IN MOLECULAR BIOLOGY, John Wiley and Sons, N.Y., page A.2.5. (1987)). To make a 5x SSC solution, the 20x SSC solution must be diluted by one-fourth. Therefore, a 5x SSC solution contains 750mM NaCl ($3\text{M} \div 4 = 750\text{mM}$) and 75mM trisodium citrate ($0.3\text{M} \div 4 = 75\text{mM}$).

One skilled in the art would have immediately recognized that the amount of ingredients listed in the specification for a 5x SSC solution was incorrect. Rather than describing a 5x SSC solution, made up of 750mM NaCl and 75mM trisodium citrate, the specification inaccurately listed the ingredients for a 1x SSC solution. The skilled artisan, in recognizing the typographical error, could easily have adjusted the amount of ingredients described in the specification to properly make a 5x SSC solution.

Likewise, the relative amount of salmon sperm DNA to be used in a hybridization is well known (See, *e.g.*, Exhibit A). Exhibit A shows that a hybridization solution typically contains about 100 µg/ml salmon sperm DNA. One skilled in the art would have immediately recognized that the concentration of salmon sperm DNA was incorrect in the specification, as it recited 20 g/ml, an exponentially larger concentration than 100 µg/ml. The skilled artisan, in recognizing the typographical error, could have adjusted the concentration of salmon sperm DNA accordingly.

Therefore, because no new matter will be added to the specification if these typographical errors are corrected, Applicants respectfully request that the amendments to the specification to recite the correct amount of ingredients for a 5x SSC solution and concentration of salmon sperm DNA be entered.

The specification has also been amended to direct entry of specific information incorporated by reference. In particular, the sequence listing has been amended to include SEQ ID NO:12. SEQ ID NO:12 of the captioned application contains the same nucleotide sequence as represented in Figure 1 of U.S. Appl. No. 60/000,602. The specification has also been amended to insert a description of SEQ ID NO:12, which can be found on page 4, lines 25-26, of U.S. Appl. No. 60/000,602. The present application claims priority benefit of U.S. Appl. No. 60/000,062. In addition, the entire disclosure of U.S. Appl. No. 60/000,602 was incorporated by reference into the captioned application. Thus, in accordance with 37 C.F.R. § 1.821(g), this submission includes no new matter.

In accordance with 37 C.F.R. § 1.821(f), the paper copy of the Sequence Listing and the computer readable copy of the Sequence Listing submitted herewith in the above-mentioned application are the same.

Claims 1-9 and 13 have been canceled without prejudice or disclaimer of the subject matter therein. Claims 10-12 and 14-79 are pending in the application. Claims 1-9 and 13 have been canceled in favor of new claims 16-79 in order to more precisely define the invention. The new claims are supported by the specification and original claims. In particular, support can be found, for example, at page 5, lines 13-24; page 7, lines 14-29; page 11, line 23 to page 12, line

7; page 14, line 18 to page 18, line 2; page 22, line 22 to page 23, line 6; and page 23, line 23 to page 25, line 4.

Claims 16-79 represent the invention of Group I, which was provisionally elected in the reply to the restriction requirement filed on July 7, 1999.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

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